



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper Number: 30

In re application of

Chau Nguyen et al

Serial No. 09/190,961

Filed: November 12, 1998

For LIQUID PHOSPHOROUS PRECURSOR DELIVERY APPARATUS:

:

DECISION ON

PETITION

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This is a response to the PETITION TO WITHDRAW HOLDING ABANDONMENT, filed October 21, 2002. The petition requests that the abandonment, as set forth in the Notice of Abandonment of July 23, 2002, for failure to timely file a proper response to the Office letter mailed January 25, 2002 be withdrawn. The petitioner asserts that the Office letter was not received by the applicants or any authorized representative of the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the above noted Office letter was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter was not received. Also provided are a copy of the Applied Materials' Law Department application docket records and a copy of the attorney firm's application docket records where the Office letter would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is GRANTED.

A handwritten signature in black ink, appearing to read "Richard V. Fisher".

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

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